

Senator WHITEHOUSE. Now that the panel is assembled, I will swear the entire panel in. We will return to regular order. You can all give your opening statements, and then questioning will begin at the conclusion of those opening statements.

Would you please stand to be sworn? You may sit.

Do you affirm that the testimony you're about to give before the Committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mayor BLOOMBERG. I do.

Mr. MORGENTHAU. I do.

Mr. HENDERSON. I do.

Mr. RICCI. I do.

Mr. VARGAS. I do.

Mr. KIRSANOW. I do.

Ms. CHAVEZ. I do.

Senator WHITEHOUSE. Please be seated.

I will recognize Senator Schumer for a moment to welcome his constituent and the mayor of New York City, Michael Bloomberg.

Senator SCHUMER. Well, it's my honor to welcome two very distinguished constituents here. I want to thank every witness for coming, but particularly extend a welcome to two of New York's greatest public servants, Mayor Bloomberg and District Attorney Morgenthau. As you know, this nomination is the source of enormous pride to all New Yorkers, and your support for Judge Sotomayor has been extremely helpful to this Committee, to the Senate as a whole, and to the Nation in understanding what kind of Justice she will be, and very much appreciate your being here.

Thank you, Mr. Chairman.

Senator CARDIN. Welcome.

Mayor Bloomberg is the mayor of New York City. He is currently serving in his third term as mayor. He founded Bloomberg, LP, a New York City company that now has employees in more than 100 cities. Mayor Bloomberg is a graduate of Johns Hopkins University located in Baltimore, Maryland and Harvard Business School.

We look forward to your testimony.

#### **STATEMENT OF HON. MICHAEL BLOOMBERG, MAYOR, CITY OF NEW YORK**

Mayor BLOOMBERG. Mr. Chairman, thank you. Ranking Member Sessions, thank you very much. Senator, Senator, Senator. Senator Sessions, I must say, as a former gun owner, a former member of the NRA, and also a staunch defender of the Second Amendment, we probably don't disagree very much if we really had a chance to talk.

In any case, I wanted to thank everyone for the opportunity to testify before you today. I'm Mike Bloomberg and I'm here not only as the mayor of New York City, the city where Judge Sonia Sotomayor has spent her entire career, but also as someone who has appointed or reappointed more than 140 judges to New York City's criminal and family courts. So, I do appreciate the job before you.

About 3 months ago when President Obama invited Governor Schwarzenegger, Ed Rendell, and me to the White House to discuss infrastructure policy, I did find an opportunity to tell him what

many of the best legal minds in New York were telling me: Judge Sonia Sotomayor would be a superb Supreme Court Justice. I strongly believe that she should be supported by Republicans, Democrats and independents, and I should know because I've been all three.

[Laughter.]

Mayor BLOOMBERG. Judge Sotomayor has all the key qualities that I look for when I appoint a judge. First, she is someone with a sharp and agile mind, as her distinguished record and her testimony, I think, made clear. And as a former prosecutor, commercial litigator, District Court judge and appellate judge, she certainly brings a wealth of unique experience.

Second, she is an independent jurist who does not fit squarely into an ideological box. A review of her rulings by New York University's Brennan Center found that judges on the Second Circuit court who were appointed by Republicans agreed with her more than 90 percent of the time when overruling a lower court decision, and when ruling a governmental action unconstitutional. So this is clearly someone whose decisions have cut across party lines, which is something I think the Supreme Court could use more of.

And third, whether you agree or disagree with her on particular cases, she has a record of sound reasoning. In interviewing judicial candidates, I like to ask questions that have no easy answers and then listen to how they develop their responses. I want to know that they are open-minded enough to change their views if they hear compelling evidence and to see if they can provide a strong rationale for their legal conclusions, even if I disagree with it.

The fact is, you're never going to agree with a judicial candidate on every issue. I've appointed plenty of judges whose answers I don't agree with at all, and I should point out that includes times when Judge Sotomayor has ruled against New York City, as she has done in a number of cases. So I'm not here as someone who agrees with the outcome of her decisions 100 percent of the time, and I don't think that that should be the standard.

Now, I'm not a lawyer or a constitutional scholar, but I think the standard should be: does she apply the law based on rational legal reasoning and is she within the bounds of mainstream thinking on issues of basic civil rights? And on both questions, I think the answer is, unequivocally, yes. It's impossible to know how she will rule on cases in the future, or even what those cases might be.

Given that a Supreme Court judge is likely to serve for decades, focusing on the issues de jour rather than intellectual capacity, analytical ability, and just plain common sense would miss what this country clearly needs: someone who has the ability to provide us with the legal reasoning and guidance that will be necessary to navigate the uncharted waters of tomorrow's great debates. And I'm very confident that Judge Sotomayor has that ability.

Finally, as the mayor of her hometown I would just like to make two brief points. First, on the issue of diversity; The Supreme Court currently includes one member who grew up in Brooklyn and one who grew up in Queens, and so there's no doubt that adding someone who comes from the Bronx would improve the diversity of this court.

[Laughter.]

Mayor BLOOMBERG. And if you disagree with me, you haven't been to Brooklyn, Queens, or the Bronx.

[Laughter.]

Mayor BLOOMBERG. But seriously, Sonia Sotomayor is the quintessential New York success story. She has beaten all the odds and rose to the top. If that's not the American dream, I don't know what is. However, I don't believe she should be confirmed on the strength of her biography, but I do think that her life's story tells you an awful lot about her character and ability.

And second, I just want to add a caution against those who would suggest that Judge Sotomayor's service to the Puerto Rican Legal Defense and Education Fund is somehow a negative. That's an organization that is well-respected for its civil rights work in New York City, and although I certainly have not always seen eye-to-eye on every issue with them, there's no question that they have made countless contributions to our city, and Judge Sotomayor should be based solely on her record and not on the record of others in the group.

So, thank you very much for the opportunity to testify, and I urge you to confirm Sonia Sotomayor as a Justice of the United States Supreme Court.

Senator CARDIN. Mayor Bloomberg, thank you very much for your testimony.

We'll now hear from Robert Morgenthau. Mr. Morgenthau has been the District Attorney of New York County since 1975 and is the longest-serving incumbent of that position. During his nine terms in office, his staff has conducted about 3.5 million criminal prosecutions in homicides in Manhattan, and has a rate of 90 percent success. A graduate of Yale Law School, District Attorney Morgenthau served aboard a Naval destroyer through World War II.

It's a real pleasure to have you before our Committee.

**STATEMENT OF ROBERT MORGENTHAU, DISTRICT ATTORNEY,  
NEW YORK COUNTY, NEW YORK**

Mr. MORGENTHAU. Thank you, Mr. Chairman. I appreciate the opportunity of testifying today, and I'm pleased to join those who endorse the nomination of Judge Sotomayor to the United States Supreme Court.

I first came to know Judge Sotomayor when I was on a recruiting trip to the Yale Law School. At that time, José Cabranes was Yale's general counsel. He also taught at the law school. I asked him if there was anyone special I should speak with and he said, yes. He said a remarkable student named Sonia Sotomayor was deciding where to work, and while he did not know whether she'd given any thought to being a prosecutor, it would be well worth my while to meet her. He was decidedly correct.

I'm happy to be able to say that the Judge joined my office and remained with us for 5 years. In my conversations with her, I learned about the compelling story of her life with which you are now familiar. In a nutshell, she was raised by her mother in a working-class home in South Bronx, and as a teenager worked the evening shift in a garment factory to help make ends meet. She went on through hard work and force of will to overcome her initial